G. R. S. IX-5]

Previous references.

1918.

(Mar)

File No. 59

Serial Nos. 1—12

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for Sept to-20.

SUBJECT.

Properties left by the deceased Ramchandra Saraswati Swamyaha

Ft. Hasan No 1299

of 1920

Passing deeds re -

WD 2238—GPB—
1 6 20

G. R. S. III—1] 191 8.—1

GENERAL AND REVENUE SECRETARIAT.

(Mzg)

NOTES.

File No. 59 of 18

FILE HEADING.

Transfer to the Sri Venkataramanaswami temple at Malekal Tirupathi, Arsikere Taluk, of certain movable properties left by the deceased Ramakrishna Saraswathi swamigalu.

From

The Dy: Comr., Hassan D-t.

R. & C. No. 199-17 C.D. Dated 9 July 1918 Received 12-7-18

Diary No. 134	Enclos. Nil. Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the property left by the Swamigalu should go to the credit of Sri Venkataramanaswami temple at Malekal Tirupati and none else and submits the case for the orders of Govt.

NOTES AND ORDERS.

The Dy Comr's letter clearly explains the facts of the case. The case does not come under the purview of the Muzrai Regulation. If it can be clearly & satisfactorily proved by the dharmadarsis of the temple that the money

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-18

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left by the Swamigalu was collected for the benefit of the temple, then action has, perhaps, to be taken in the civil courts in the matter. Besides the fact that Gundappa declines to make over the money to the temple, the views of the Dy: Comrs of Bunkur and Hassan are at variance. As such cases are of rare occurrence, legal advice may, if deemed necessary, be taken in the matter.

Subd for orders.

16-7-18 2 Before legal advice can be obtd, the file of papers will have to be made complete. Gundappa's statt as shown he came by the Amt, the actual accounts, and for what purpose the Amt was held in deposit by the Govt and the desire of the deceased as to the disposal of the Amt is not known & may be called for. A list of subscriptions received from the people & alleged to be meant for the Sheranpali temple should also be called for.

May this be done?

RA 16-7-18 3 No instruction can be

NOTE—Contn. sheet

G. R. S. III-2)

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Given regarding the merits of the claim of the temple to the property, in the absence of a definite Statement of Claim supported by available evidence the Dy Comr may be requested to take legal advice in the matter and take necessary action, if need be, by resorting to the Civil Courts.

Secy

KD
18/7/18

4 The Mis Sh is a major Mupran one and the Mug. Dept must protect its interest. The main point for consideration is whether or not the money is trust money in the hands of the deceased. Please call for the connected Ver. records and also the lists of subscriptions and accounts if any maintained by the Swami.

Ag
18.7.18

KD
19/7/18

5 Draft letter to Dy. Comr. submd for appl

SD
19.7.18

6 Approved

6. No 374 Dy 31.7.18 To D.C. q Dy. Hassan. Calls for the Cov. rec

20/7/18

NOTE—Contn. sheet.

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	records in the matter
3	From the Dy: Comr., Hassan Distt., letter no - 199-17 & 24-3-19 C.D Forwards the ver: records, as called for, vide an inventory of the effects found on the person of the deceased swamy -
	1) In the above letter (Sl 2) information was required as to whether the amount in the hands of the Swami was trust money or not. Except the statement of the temple dharmadarsis, there is no corroborative evidence in the matter.
5	2 The statement of Gundappa of Halkurki, Tiptur Taluk, with whom the Swamy stopped for 2 months and breathed his last, goes to show that out
7	of Rs 2221-12-0 left in cash by the Swami Rs 500/- were spent for his aradhane etc, according to his wishes and that the balance, along with the promised subscriptions to be realized amounting to Rs 1750, is intended for the swamy's Samadhi and Siva Prathishte. The dharmadarsis of the temple of Sri Venkata
4	Ramanaswami say that the Swami stopped with them for 10 or 12 years before he ~~all along~~ for Halkurki and collected funds

NOTE—Contn. sheet

WL A 1789—GPB—60,000—20-3 19—S.

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V/-

funds for the restoration of the temple
9 The D. C. Hassan in making a reference
to the D. C. Tumkur on the subject, has
requested him to send the money ~~and~~ and
other papers with Gundappa - He is of
opinion that the money should go to
the temple and solicits Govt. orders in
the matter.

10 There is nothing in the records to show
that Gundappa ~~was~~ has declined to transfer
the amount & documents left with him
to the temple in question - If he declines
to do so, when directed by the Dy: Comr,
then the matter may, perhaps, be referred
to the Court of the Distt. Judge for a decision
under sections 4, 5, & 6 of the Mys: Regulation -

If approved, the opinion of the Govt.
Advocate may be obtained in the matter -
Subd. for orders

SD
28.3.19

28/3/19

Forwarded for favour
of opinion

for Secy to Govt
Mys. Dept
29.3.19

Mys. W.O.N° 13
29.3.19

The Government Advocate

NOTE—Contn. sheet.

G. R. S. 111-2]

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Ho No 103 /18-8

Ho No 03329

Army Dept Coll

1 The petitioners of the Dharmadarshis of Sri. V. temple shows that the late Swami had undertaken the reconstruction of the temple and had made collections of money for the purpose and that the cash that was with him at his death represented the balance that was left after meeting some expenditure towards such construction.

13 It is not likely that the Dharmadarshis would put forward such a claim if it were untrue.

14 Mr Gundappa's statement that he was authorized by the Swami to spend the money for the purposes mentioned by him is not borne out by any documentary evidence.

In any case, it is necessary that permission of public authorities should be obtained before dealing with the property of a Samy as to which the Crown, in the absence of a Sishya a disciple, would be entitled.

15 Under these circumstances the Dy. Comm[r] of the District may

Note Contn sheet

G. R. S. III-2]

General and Revenue Secretariat. | File No. 57 of 1918.

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A | be requested as the representative of the Crown to call upon the party in possession of the amount to produce the same before him or to properly account for it, in the first instance.

B | 6 The question as to whether it is trust money or not may also be simultaneously determined by local enquiry.

7 If the Dharmadarsis are prepared to substantiate their allegation, it would be better to authorize them to file a suit under Section 92 C. P. C. (under Section 6 of the Muzrai Regulation) thus for the Muzrai officer himself to proceed under Section 4.

W. Sharpe
Government Advocate
15/5/19

As regards A draft a letter to the D. comr. Tumkur on the lines suggested

As regards B a preliminary enquiry has been held which shows that the money is prima facie trust-property. After many

NOTE—Contn sheet

R. S. III-2.

General and Revenue Secretariat. | File No. | of 191

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has been received, both the parties may be desired to urge and prove their claims. It seems to be hardly fair to ask the Dharmadarsis to go to Court to establish their title.

Sec
U.S. 4
18
17/5/19

4 From the Dy: Comr, Kadur in Lr. No. Rev 117-11, dd 3-4-19 forwarding his report in connection with letter dy 21-3-19(-13), with enclosures, regarding the subscriptions, the amount of which is to be paid to the Dharmadarsis of Kalasa.

20 Before putting up a draft to D. C as directed above, the further records forwarded by the Dy: Comr are subd.

W 21 In their statement dy 4-12-18 the Dharmadarsis state that a sum of Rs 4600/- has been expended by the Swamy out of the collections made for the temple works at Dharmasthala; that in addition to this amount subscriptions were collected at Arsikere, Arkalgud, Hassan, Chamarajanagar & Tipatur

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left by the swamy and now
that ~~their~~ the amount with Salunkar
Gundappa should undoubtedly go to
the temple and that Gundappa cannot
spend the amount as he likes. To
strengthen their contention they have
produced a subscription list that was
with them and a copy of the Tom & To
Register of the Taluk has been put up,
which goes to shew that about a sum
of Rs 4 000 has been left by the swamy.
On reply to a notice sent to him, Gundap
has stated that he is not prepared to
hand over the money left with him and
that he is at liberty to utilize it in
accordance with the desire of the swamy
Subd for orders as to whether a draft
letter to D. C. Mudkur may be put up
as directed. If approved, the D. C. Hassan
may be requested to obtain and send up
Mahazars of the ~~people~~ subscribers at
the several places in the Distt as to
the object with which the swamy
collected subscriptions. This may
strengthen the contes[illegible] of the
Dharmadarsis of the temple that
the money should go to the temple.
Subd for orders.

Note – Contn sheet

GPB—50 000—12 8 10

71-5-19

G. R. S. III-2]

General and Revenue Secretariat. | Inwr File No. 56 of 1918.

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23 The Dy Comr of the Dumka Dn may be requested to recover the money with the penalty and credit it to the funds of the temple, or to call upon the party to account for it at once, and submit a report of having done so at an early date. If this be approved, a draft will be subd.

BG 22/5/19

Put up draft to the Dy Comr Dumka

RB 24/5/19

24 Draft letter to D. C. Dumka is subd. In forwarding copy of the above to D.C. Hazaribagh it is proposed to call for further information as suggested by the Govt Advocate in his note (vide pr-7).

RB 24.5.19 BG 23/5/19

Draft may be approved.

RB 25/5/19.

Secy.)

Put up clean drafts of letter to D.C. Dumka and letter to D.C. Hazaribagh

RB 26/5/19

Sea 24/5/19

P.T.O.

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat. | Jmz File No. 59 of 1918.

Serial No.

29. Clean drafts subd.

28/5/19 28/5/19

28/5/19

Seen) 2 letters on the lines of action indicated after Govt. Address Qu. paras 15 & 16 of his note are put up. A litigation after Dharmadarsis seems the hasty expedient. If the local enquiry makes it plain that the property is the result of subscriptions raised in lieu of temple, the Mysore Govt can hereafter take action. Besides the Dharmadarsis of a Maiss temple are merely advisory bodies and it is doubtful if they can sue in a representative capacity. Subd for order

(Sr. member) 29-5-19

1790/30.5.19

The draft proposed may issue. Reserve for the present any decision as to the action to be taken if Gundappa does not deposit the money in his hands, or if the Dharmadarsis do not agree as to their disposal.

31/5/19

NOTE—Contn sheet

R. S. III-2]

General and Revenue Secretariat.

File No. 7 of 1918.

Serial No.	
5	From D. C. Jaffna No 3919 of 11.6.1919. Enquires whether the moneys & bonds in the hands of Mr. Ambalavaner have been deposited in the Govt. Treasury as directed by him (Govt. Comm.) & if not to request early steps being taken to deposit the order of the properties held in deposit. Subject to further orders.
6.	From D. C. Batticaloa; No 3920 of 11.6.19. Forwards Copy of the above letter & states that more satisfactory evidence should be called as to the [illegible] proposed
	Reply to reminder (letter No. Mis 93/922-7-4 recd from the D. C. Jaffna is subd for information. His final rpt will be awaited. 30/7/19 30.7.19 31/7/19
7	From the D. C. Jaffna., Letter No. Mis. C. 731 of 17.7.19 with refce to Sl 5 [illegible]

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

MY File No. 59 of 1918.

Serial No.

by the Inamin, in the treasury, though he was not entitled to do so; that he has not got the will registered and is not likely to deposit the properties in the treasury; that there is no provision of Law to force him to do so; and thinks that the only course left open is for the D. C. Hassan to sue for the recovery of the properties from Mr Gundappa.

2/4 The Dy. Comr. states that Mr Gundappa is reported to be in Bangalore and that no action can be taken as matters stand at present; and solicits orders of Govt in the matter.

25 The reply due from the D. C. Hassan to this office letter No. 3920 dy 11-6-19 has not yet been rcvd. Reminders are being issued. Subd. for orders as to whether a copy of the Inamin Dy: Comr's letter may be sent to him now and request him to report in the light of the opinion expressed by D. C. Inamin

SD 10-1-19 BL 10/1/19

Please write to the Hassan Dr. Calling for Comr Rept to this office No 3920 dy. 11-6-19 & return of Pr. records

10-1-19

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Misc File No. 59 of 1918.

Serial No.	
	Dft reminder issued SD 14-11-19
8	From the Dy: Comr., Dharwar Dist., Letter No. Mis. C. 931/19 28-11-19. Forwards the records ending with the Gubbi S. D. O's No. A. C. R. 9. 213/18-19 of 18-11-19 in which Mr. Sahukar Gundappa of Hattimarke has given a statement before the Amildar of Piptur Taluk refusing to hand over or deposit the properties left by the deceased Swami – It will be seen from the statement of Gundappa that the will executed by the Swami has since been not registered by him – The reply due from the D. C Hassan has not yet been recd – Reminders are being issued. SD 30-12-19
	Dft reminder issued SD 9-1-20

S C 3/1/20

NOTE—Contn. sheet.

Not issued as reply was recd. – 13/1/20

G. R. S. III-2]

General and Revenue Secretariat.

Misc File No. 59 of 1918.

Serial No. 9

D1286

From the D. C. Hassan., letter no 194-17 CD, 8/1/20

Reports that the money left by Ramakrishna Saraswathi Swami was collected for the benefit of the Amaragiri Venkataramanaswami temple and ~~the~~ the money, therefore, rightly belongs to the temple.

4.2. The Dy: Comrs letter and the vers: records accompanying it go to show clearly that the Swamy ~~m~~ collected subscriptions for the benefit of the above temple.

43. From the Taluk Dy: Comrs letter (Sl 8) it will be seen that Salukar Gundappa not only declines to hand over the money left with him by the Swamy, ~~with~~ but ~~also~~ has also produced a will purporting to have been left by the Swamy to show that the money is intended for a different object.

44 For legal opinion in the matter, kind attention is invited to the Govt Advocate's opinion in pages 6 & 7 of the note.

Subd for orders.

SD 16-1-20

16/1/20

45. ~~I~~ The Dy Comr does not say what has become of Rs 915 raised as subscription by the Amildar. Was it handed over to the Swami when he was entrusted

NOTE—Contn sheet

Serial No.

with further calculations & has it been quoted to Treasy. as Temple stood —.

46. An expert enquiry may be made.

17-1-20

(Sd) 17-1-20

47. 17/1/20 17-1-20

ST 17/1/20

48 Subd for orders.

It will be seen from the subscription list signed by the Amildar that the subscribed amount was arranged to be paid to the Swamy's hands and not to the Treasury. So, an enquiry, as directed above, does not appear to be necessary.

SD 21-1-20

~~The Amildar's report is forwarded by~~ Mr. R. Swaminarayanaswamy. The Amildar's action as discussed by the papers. H. D. appears to be of doubtful propriety. He may be asked to explain by D.O. on the present matter.

23-1-20

(Sd)

NOTE.—Contd. sheet.

Signed by Mr. Swaminarayanaswamy

23 Jan 21/1/21

General and Revenue Secretariat. | File No. of 191 .

Serial No.

50 Draft notice Rubo-
dtd 28/1/20

28/1/20
27/1/20
dtd 28/1/20

51. Gundappa was here yesterday & his statement is put up —.

52. The whole case is a simple one :—.

On 2nd Sudda. of Sravana, P.y Pamyalu, one Rama Krishna ~~Bhatta~~ Sanaswah-Brahmin, ~~died~~. ~~at~~ executed a deed making over all the Zah. (Rs 222-12-0 & Rs 20- Rents & the value of Rs 1750- that we had to Irudappa, ~~the Inamdar Choudry of~~ of Halkunki, with the Shomlahis that it should be appropriated for his the Aradhana Mhalo and his death & the balance for the Construction of a Temple at the place of his Samadhi.

B

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat. | M. File No. 59 of 1918.

Serial No.

The Swami died the very next day..

~~The present petition is~~

54. On the death of the Swami, the money was
7 claimed by the Dharma-
-darsis of Malekal
Tirupati Temple in
Arsikere Taluk, on the
ground that it was a
money raised by the Swami
~~for the~~ on behalf of the
Temple —.

55 Hindappa having
objected to give up the
money, the Executive has
come up before the Court.

~~On the pleadings,~~
Contention
56. The ~~petition~~ of Hindappa
is that the money was
~~bequeathed~~ handed over
to him by the Swami to
him with a stipulation to
Construct a Temple and
the place of the Samadhi,

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat. | No. File No. 50 of 191 8.

Serial No.

after Meeting the Expenses of the late Nawab on his death, of that account he has spent Rs 500/ for Aradhana expenses & Rs 300 ~~on the expenses~~ ~~the Devasthan~~ including, and that he is prepared ~~to Construct~~ ~~the Temple~~, & appropriate the balance on the Construction of the a Temple. As decided by the Majority & agreed to by himself & while admitting his responsibility in respect of the utilization of the money towards the influence of the Specified trust, Gundappa contends that the claim of the Brahmadeya accidental Temple Dispute is. Gundappa states that the Misappropriated on by the Dr. of Harihar is of the Jeerigal.

on a/c and Rs 200 for the Anniversary ceremonies

D

NOTE—Contn sheet.

Serial No.

& that the work for which that Mosaphin was raised has been long ago carried out, hereby & their name is cancelled to the extent of Rs 150 towards that work—

57. The cancellation of Pundappa's deed of Surrender above—

58 ~~So long as the~~ The money ~~has been~~ handed over ~~by~~ Him by the deceased ~~due~~ on the eve of death, with a stipulation to ~~do certain~~ Construct a Temple & so long as Pundappa is prepared to execute this trust, there can be no objection to take the money out of his hands & hand it over to Malekal Temple, not because it is claimed as Mosaphin raised for the benefit of the latter—

was

NOTE—Contn sheet.

G. R S. III-2j

General and Revenue Secretariat.

Mny File No. 59 of 191 0

Serial No.

— a claim asserted by Sundappa

59 Refg to the Question of the pot adverse recorded in para 14 page 6 of the note, I may submit that Sundappa does hold a document-duly executed. in evidence of the delivery of the money Dwin by the Swami, on the eve of the latter's death, with certain stipulations. The law advanced, viz that the claim to in the absence of a vishya disciple entitled to the property of a Sanyasi, is not to escheat to Govt but to devolve the order laid down in P20. 548 of 20. Nov. 1897 + Mad Mu 271-97.

In this case either Sundappa may claim the position of a Sishya — or the Sringeri Matt claim the money Shd the deceased be proved to have been a disciple of the Sringeri Matt +

NOTE—Contn sheet

J. R. S. III-2)

General and Revenue Secretariat. | File No. of 191

Serial No.

At any rate, in this particular case, ~~the Dewan of Travancore~~ Mangalam. the statement of Sundappa Mangalam forwarded to the Dewan of the 28/Jan informed that ~~no notice~~ So long as Sundappa Mudaliar himself is willing to the int- to build a Temple on the place of Ramadhi of the deceased, in fulfilment of the wishes of the deceased, ~~that~~ in. No interference of the Malabar Municipality Temple is called for-

exposed

(Sd Illegible)

Illegible
2-4-20

Mr. Dewan
Illegible asked to work what the Govt has to state against the Contentions advanced by Sundappa
27/2/20
27/2

NOTE—Contn sheet

STV

G. R. S. III-2]

General and Revenue Secretariat. | Jung File No. 59 of 1918

Serial No.	
	61. Draft letter put up 80/2-3-20 Rd 2/3/20 62. Revised draft put up Adl D of S Idem) 63. Redraft put up. 80/9-3-20 Rd 9.3.20 Addl D of S 64. Idem) C-Issue Sd D of S Addl D of S
10	To, by. Commr. Hassan dist No. 2932- Ry. 13 3 1920 calls for certain further in formation in the matter - the same very early. No. 2933 - Copy to D.C. Tumk
D 2326 11	[illegible]
65	Question What was the total sum collected by the Swami for the re

NOTE—Contn sheet.

Serial No.

of the Malekal temple.

Reply. The amount spent on the temple repairs by the Swami was Rs 4600; that, as no comprehensive account of receipts and expenditure has been furnished, it is not possible to say what the actual collections were and what the surplus left was. [The Amildar has reported that Rs 8600 was collected].

67. 2) Question Whether any repairs were executed to the temple out of this sum & if so at what cost?.

Reply Repairs to the extent of Rs 4600 were executed to the temple by the Swamy.

68 3) Question Whether any and what amount remained with the Swami after the execution of such repairs?

Reply The Dharmadarsis say that there was no other object for raising collections than the renovation of the temple and that the Swami had about Rs 4000 left with him when he went to Trichore just a few months before his death and that this sum very nearly corresponds with the balance as per Mr Gundappa's accounts.

69. 4) Question Assuming that the Swami had left with him some money

NOTE—Contn. sheet.

Serial No.

at the time of his death, is it open to Gundappa to act in contravention of the instructions given to him by the Swami

Reply. The person to whom the Swami gave instructions, assuming that instructions were given, cannot be in a better position than the Swami himself, who was bound by a trust for the public to use the money ~~of~~ for the temple itself.

10. ~~Q~~) Question The nature of evidence on which the D. C. bases his finding.

Reply. The Dharmadarsis & others depose that the Swami intended to build a mantap and create water convenience to the pilgrim public; that these works were not undertaken and completed then as the balance on hand at the time was inadequate and the Swamy had expressed his intention of collecting larger funds to this end.

One D. Venkatramiah, a Gumasta in the Arsikere Taluk office, has said that the Swami had ~~in~~ given him by way of deposit a sum of Rs 100/- to be paid back to the Swami, when he had to go to Hadur to bring Chunam for the repairs of the temple compound. This amount is still due by the person.

NOTE—Contn sheet.

G. R S. III-2)

General and Revenue Secretariat.

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Serial No.

7. In view of the fact that the Swami was evincing more than ordinary interes in the temple affairs and the evidence so far collected, the D.C. is inclined to think that it is more probable that the Swami, being a Sannyasin collected the money for a charitable purpose, rather than for personal ends. He, therefore, concludes that the amount with Gundappa primarily belongs to the temple.

J
U, V, X, W

The Amildar's report and the statements of four aged persons upon which the Dy: Comr's report is based, are flagged Subd for orders.

SD 12.6.20 Bly 14/6/20 — For orders.

AMT 14.6.20

(Army) Is this a matter within the Cognizance of the Army department or is it a matter for adjudication in a Civil Court? Bly 3/7/20

AMT 3.7.20

9 4/7

NOTE—Contn sheet.

G. R. S. III-2j

General and Revenue Secretariat.

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Serial No.

Under Section 4 of the Muz: Regn, the Muzrai officer may make a reference to the court of the Distt Judge in whose jurisdiction the greater part of the property or institution is situated, and under Section 5, the letter of reference may be disposed of as a suit between the Muzrai officer as plaintiff and the parties in possession of the property or opposing the contention of the Muzrai officer as defendants.

Under section 6 of the Regn, the Muzrai officer may authorize any one or more persons to file a suit under the provisions of section 92 of the code of civil Procedure.

In this case, the Dharmadarsis of the Sri Venkataramanaswami Temple at Malekal Tirupati may file a suit, as plaintiffs, against Salukar Gundappa as defendant.

The difference between the Muzrai officer filing a suit and the Temple Dharmadarsis doing so is that under Section 7 of the Regn, no court fees will be charged in respect of proc^s following on a reference to the court by the Muzrai officer.

NOTE—Contn sheet

G. R. S. III-2

General and Revenue Secretariat.

Mzy File No. 59 of 1918.

Serial No.

On this point, kind reference is invited to the opinion of the Govt Advocate contained in para 17 of the office note of Mr. G. Narayanadu Iyengar, the previous Secretary, was not in favour of asking the Dharmadarsis to file a suit and the then councillor (Mr. Chandrasekhara Iyer) has reserved his opinion on the point. (vide paras 30 & 31 of the office-note). Subd. for orders.

8D 6/7/20 81 The Dy Comr's report makes it plain that the money remaining on the hands of Sundaram is temple money and a part of property. The temple once of whose money is in the hands collected it as trustee for certain institution in which the Govt are interested & whose interests the Govt have to safeguard, & the Dharmadarsis being of an advising body cannot be asked to sue the trustee as a Court of law. No doubt they will consider whether they can sue or not. Sued Mr. [illegible]

NOTE—Contn sheet.

R. S. III-2.

2345

General and Revenue Secretariat. | File No. of 19

Serial No

Agitator as Dt Mun officer & file a suit against the pujari in a competent court of jurisdiction and recover the money on behalf of the temple, in case the pujari does not produce the amt himself in Dt proceedings.

RA
6/7/20

Dr. It seems to me that the matter is such as is worth pursuing. ~~It is a case of~~ as in the Civil Suit and in pujari's statement. So long as the latter is prepared to carry out the wishes of the deceased, ~~the Dharmada~~ there is ~~able for the Dharmada~~ ~~to~~ prima facie claim on behalf of the institution to the Temple. The Dharmadaya Dy would before a court of law. And the Civil Suit ~~for the Dharmadaya~~ ~~Dy~~. It will be difficult for the first officer to ~~bring~~ in ~~the~~ a party

It will be difficult if the pujari enjoys the benefit of the terms of the document left by the deceased.

Mkt

NOTE—Contn. sheet.

Wdsay 1

10/7/20.

R. S. III-2

General and Revenue Secretariat.

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Serial No.	
	83 Put up a very brief self contained note for submission to the Member. [illegible] 13/7/20
	[illegible] 13/7.
58 13/7	**Subject of the correspondence:-** Transfer of money, in cash & bonds, [illegible] by Sri Ramakrishna [illegible] [illegible] to the Sri Venkataramana [illegible] at [illegible] [illegible], [illegible]
3&1 in the file	84. The [illegible] [illegible] for a long time in [illegible] to [illegible] in the [illegible] of the [illegible], [illegible]
E	This is [illegible] [illegible]
C	[illegible]
	85 [illegible] [illegible]
	[illegible]
	collection [illegible] public [illegible] [illegible]
D	[illegible]
	[illegible]
	[illegible]

R. S. III-21

General and Revenue Secretariat.

M. ; File No. 09 of 1915.

Serial No.

86. On the other hand, the contention of [illegible] is that the amount [illegible] the Income Tax to be levied, according to the Gift Deed, for the construction of a temple on the land of the said [illegible] and that he is, therefore, not bound to hand over the amount with him for the benefit of the temple, as claimed by the Revenue Officer thereof. [illegible], who was summoned to attend before the Secretary, [illegible] statement [illegible] of.

87 The [illegible] Advocate, on the [illegible] official, contends, [illegible] opinion as hereinbefore [illegible] "the Dy. Commissioner, [illegible] representative of the [illegible], [illegible] the party in [illegible] to produce the [illegible] account [illegible] if [illegible] "If the [illegible] Substantial [illegible] [illegible] called to [illegible] under section 92 C.P.C. [illegible] of the King Reg[illegible] [illegible] officer himself to [illegible] other section [illegible] Trustees [illegible]

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Any File No. 57 of 1918

Serial No

[illegible] Aravamudha Ayyangar) [illegible] in opinion [illegible] in case of the abolition by the Sirkar under [illegible] property is the result of [illegible] raised on behalf of the [illegible] Municipal officers [illegible] [illegible] it is, for [illegible] families are merely [illegible] it is doubtful if [illegible] irreconcilable [illegible]

89. Pages 23 to 26 [illegible] summons of the [illegible] [illegible] called for by [illegible].

Subject matter [illegible] may not be touched in [illegible] para 82 supra — [illegible] 10/7/20 — [illegible] 6/8/20.

(Sd) [illegible]

This is a case in which I do not think I should interfere.

(Sd) [illegible] 6/8/20

I also like to have the further opinion

847-160
7.8.20.

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

Mear File No. 59 of 1918.

Serial No

of the Govt. Adv. in the matter. When the file was previously sent to him for opinion the statement of Sundarappa was not on record. So there has been a material alteration in the facts of the case.

6322

Mear G.O. No 5 Dt 14-8-20.

93 Recd 13820

Enclosures to the Government Advocate for favour of opinion

By Order

14 August 1920 [illegible]

94

G.O. No 920 dt 20-21.

18.8.1920.

Two rival Swamis are put forward in the money & lands left by the deceased Swami. One on behalf of the Tirupathi Temple by the Dharmadarisi [illegible] on the ground that the deceased left the Swami represents the institution by virtue of the subscriptions & donations received expressly for the temple & the Swami by [illegible] as the executor of the will of the deceased Swami in which a different & contrary disposition

NOTE—Contn. sheet

Serial No.

of the property is indicated; the Establishment questions of fact depending for the ultimate decision on the proof that may be adduced in support of either version. To take the case of a suit ~~by the Dharmadharis~~ filing a suit against Gundappa there must be some prima facie proof that the version of the Dharmadharis is well founded. Apart from their own allegations there is only a batti produced that some subscriptions were given by the deceased for the Temple but whether that was so or not had not been sent. On the other hand the batti if genuine tends to prove that the deceased had testamentary power & may be regarded as evidence of his wishes. But the question is one requiring investigation & it is not better that a decision is required. When the matter is in issue & controversial & uncertain & Govt may decline to give their assistance in filing the suit, but if the Dharmadharis should seek the assistance

NOTE—Contn. sheet.

nd Revenue retariat.

File No. 59 of 19 18

Serial No.

Govt. pa juing the suit under sec 6 of the Mug: Rej: the sanction may be accorded. The Dharmadhanini Mog a Committee body are persons having an interest in the alleged trust & they may institute the suit with the requisite sanction is obtained.

Sd/- Subramaniam Jr.
17-8-20

95 Subs with regs & orders cont. in para 92 supra. may the Govt. be replied in terms of the Govt. Advocate's views?

A

Sd/-
20/8/20

96. Secretary (Secretary Member) 20/8/20

1171-1920
21-8-20.

97. A. Gen. 20-8-20
Opposition has Co. a/c no. 83
Accordingly.

98 [illegible] Draft
23/8/20

ST 21/8/20

99 Draft letter to D. C. Kasaragod is enclosed

89
26/8/20 Sd/- 28/8/20

Sd/- 28/8
Sec.) with a fair draft

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

File No. 59 of 1918

Serial No.	
1556-141 4-9-20	Secret Memo) 2/9/20 Copy & Spare A B. A fortnight's Spell Yes this Copy was Which a little too much 6.9.20 Issue 6/9/20
12	To, by Command, [illegible] No. 1223 D. 30.9.1920. I am directed to say that, for reasons given, Govt. are not prepared to take the initiative in the matter but that they would accord sanction to a suit being filed if the Dharma Dayis of the temple wish it.

NOTE—Contn. sheet

WD 0463—,GPB—3,00,000—21-7-17—S.

191 0-10.

From

C. Venkata Rao, Esq. B. A.,
Deputy Commissioner,
Hassan District.

To

G. Aravamudu Iyengar, Esq., B.A., P.L.,
Joint Secretary to the Governmer
of H. H. the Maharaja of Mysore.
Mysrai Department,
Bangalore.

Dated July 1910

Despatched 9

Received

General No. 199-17.

No. C. D

Enclosure No. Two Vernacular Letters
(18429)

134
18 19
Mem
59718
1.

SUBJECT.

Requesting to obtain orders of Government in the matter of the amount and money bonds, left by the Ramakrishna Sastri, Swamigalu, to be transferred to the credit of the Sree Venkataramana Swami temple at Melkote (Yadugiri P.O.)

Office of the Deputy Commissioner, Hassan District.

Dated Hassan, 8th July 1918

From

C. Venkata Rao, Esquire, B. A.

Deputy Commissioner

Hassan District.

To,

G. Aravamudu Iyengar, Esq., B.A., B.L.,

Joint Secretary to the Government of

H. H. the Maharaja of Mysore

Inam Department.

Bangalore.

Sir.

In forwarding herewith the vernacular correspondence ending with the Arsikere Taluk Amildar's report No. 74 dated 15th June 1918. regarding the transfer of certain moveable properties of one Ramakrishnasaraswathi Swamigalu to the Sri Venkataramana Swami temple at Melekal Tirunathi, Arsikere Taluk. I have the honor to state that at the instance of the Dharmadarsis of the Sri Venkataramanaswami temple of Melekal Tirunathi, the Amildar Arsikere Taluk, in his No. 8 dated 9th September 1917 reported that the above named Sri Ramakrishnasaraswathi Swamigalu who lived for a long time in the Melekal Tirupathi temple died at Halkurki, Tiptur Taluk, in the house of one Mr. Gundappa of the place, whither he had gone for " Chaturmasa " (ಚಾತುರ್ಮಾಸ್ಯ) leaving a large amount and some money bonds with Mr. Gundapna. He stated that all the money left by the Swamigalu was raised as subscription from the public of the Arsikere Taluk by him with the help of the Dharmadarsis for the benefit of the Tiruna-thi temple and as such, the Institution had a better claim to the assets of the Swamigalu. He added that on a reference made him to the Tiptur Taluk, Mr. Gundapna in whose house the galu died, refused to surrender the money and the bonds Swamigalu.

e Deputy Commissioner of the Tumkur Dis-

ds Office to enquire into the matter

and

and to cause the amount and the money bonds that were with Mr. Gundappa to be restored to the Thripathi temple, and the reply received from him is enclosed herein for information.

3. It will be seen from the Tumkur Deputy Commissioner's reply that he has taken quite a different view of the matter and seems to deny all claim of the Sri Venkataramanaswami temple in the concern, But, I think that Mr. Gundappa has nothing to do with the amount, nor could the Swamigalu execute any Will for the disposal of the money he had collected from the devotees for the benefit of the Institution. The Dharmadarsis have produced a regular account of the amount so collected.

4. In these circumstances I am of opinion that the amount left by the Swamigalu must go to the credit of the Sri Venkataramana Swami temple at Malekal Tirupathi and of none else. I request therefore that you will be so good as to obtain orders of Government in the matter.

5. Another Vernacular correspondence and myself with the Channaraipatna Sub Division Officer's Yadi No. 1050 dated 11th June 1918 on the subject is also forwarded herewith for reference.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Hassan District

G. R. S. VI—G/32]

SUBJECT Calls for connected records in the matter of the transfer to the credit of the Sri Venkata-ramanaswami Temple at Malekal Tirupati of the money left by the deceased Ramakrishna Saraswati Swamigalu.

Diary No. of letter replied to 134

GENERAL AND REVENUE SECRETARIAT,
(Mm3)
, *the* 191 .

Date of issue 31:7:1918

Signed by [illegible]

Section
File No. 59-18
Serial No. 2

No. 376/Genl/file

To

The Dy: Comr., Hassan Distt.

Sir,

With reference to your letter No. 199-17 C D & 9-7-18 in the matter of the credit to the Sri Venkataramana Swami temple at Malekal Tirupathi Arsikere Taluk, of the amount left by the deceased Ramakrishna Saraswathi Swamigalu and now in the possession of one Gundappa of Halkurki, Tiptur Taluk, I am directed to state that the mo in

point for consideration is whether or not the money was trust money in the hands of the deceased, and are to request that the connected vernacular records ~~and also the lists of subscriptions and accounts,~~ if any, maintained by the Swami may be sent up at an early date.

2. The ver: records are returned herewith for reference and return.

I have etc

W.D. 20/7/18.
for Jt. Secretary
Mun: Deptt.

RL
18/7/18

8D
9.7.18

that the institution a major mar: one there interests should be guarded, and as the main

as the subject may be sent up at an early date as also the lists of subscription and accounts if any maintained by the Swami

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11 16

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64307 1918-19

From

The Deputy Commissioner,

Hassan District.

To

The Joint Secretary to the Govern-
-ment of H.H. the Maharajah of
Mysore, Muzrai Department,
Bangalore.

Dated the 22nd March 1919.

Despatched. 24

Received.

~~General~~ R.O.C No. 199-19
No. C.D

Enclosure:- One file.

S U B J E C T

Reporting with the connected records regarding the transfer to the credit of the Sree Venkataramana Swami temple at Thirupathi in the Arsikere Taluk of the amount left intestate by the Sree Sara-
-swathi Swamigalu at Halkurki village Tiptur Taluk.

ST

1918-19

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan the 22nd March 1919.

From

C.Venkata Rao, Esquire, B.A.,

Deputy Commissioner, Hassan District.

To

G.Aravamudu Iyengar, Esquire, B.A.,B.L.,

Joint Secretary to the Government of His Highness

the Maharajah of Mysore, Muzrai Department,

Bangalore.

Sir,

Adverting to your letter No.374/Muz 59-18-2 dated the 31st July 1918 requesting me to forward the file of papers connect--ed with the transfer to the credit of the Sree Venkataramana--swami temple at Malekal Thirupathi in the Arsikere Taluk of - the money left by the deceased Ramakrishna Saraswathi Swamigal, I have the honour to forward herewith the connected file of --- papers which contains an inventory of the effects found on -- PheristNo.5 the person of the deceased Swamigalu.

2. As already reported in my letter of the 9th July 1918 - I have to reiterate that the money left by the Swamigalu ----- should go towards the funds of the temple, at Thirupathi. I -- therefore request you to be good enough to obatin the orders - of Government to instruct the Deputy Commissioner, Tumkur Dis--trict, to transfer the money and other documents remaining --- with Mr.Gundappa of Halkurki village in the Tiptur Taluk, to -- the funds of the Sree Venkataramana Swami temple, at Thirupathi.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Hassan District.

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Mucr
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From 6763

C. Venkata Rao, Esquire, B.A.,
Deputy Commissioner, Hassan District.

To

H. Aravamuda Iyengar, Esq., B.A., B.L
Secretary to the Government of
H. H. the Maharaja of Mysore,
Muzrai Department, Bangalore.

Dated. 21st April 1919.

Despatched. 22nd April 1919

Received.

No. Roc. 199-17/C.D

Enc. One file.

S U B J E C T.

Forwarding a file of papers connected with the transfer to the credit of the Sri Venkataramanaswamy temple at Tirupathi in the Arsikere Taluk of the amount left by the late Sri Ramakrishnasaraswati swamy.

Deputy Commissioner's Office, Hassan District.

Dated Hassan the 21st April 1919.

From

C. Venkata Rao, Esquire, B.A.,

Deputy Commissioner, Hassan District.

To

G. Aravamuda Iyengar, Esq., B.A., B.L.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

Muzrai Department, Bangalore.

Sir,

In continuation of this office letter No. R.O.C. 199-17/C.D. dated the 21st March 1919, I have the honor to forward herewith for information and reference another file of papers ending with the Hassan Sub Division Officer's No. 288-18 dated the 27th March 1919 connected with the transfer to the credit of the Sri Amalagiri Venkataramanaswamy temple at Malekal Tirupathi in the Arsikere Taluk, of the amount left intestate by the late Sri Ramakrishna Saraswati Swamy who expired at Halkurki village in the Tiptur Taluk, Tumkur District.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Hassan District.

H.M.

Fair draft

To

The Deputy Commissioner,

Tumkur District.

3919 Jy
Jy. 59-18-5
11.6.1919

Sir,

With reference to your No.Mis.C.931/17-18 dated 11th May 1918, forwarding to the Deputy Commissioner, Hassan District, copy of your order dated 8th idem regarding the disposal of the property left by the deceased Ramakrishnasaraswathy Swamy in the possession of Mr. Sowkar Gundappa of Halkurike, Tiptur Taluk, I am directed to enquire whether the money and ~~lands~~ bonds in the hands of Mr.Gundappa have been deposited in the Government Treasury as directed by ~~him~~ you... In case the properties have not been so deposited, I am to request that early steps may be taken to enforce the order and that the properties ~~should~~ be held in deposit, subject to the further orders of Government in the matter.

I have etc.,

Secretary to Government,

Muzrai Department.

23/5/19.
HRR.

28/5/19

Compd.
7/5/19

Jain draft V

To

The Deputy Commissioner,

Hassan District.

Sir,

With reference to correspondence ending with your letter No.R.O.C.199-17 dated 22nd April 1919, in the matter of the claim of the Tirupati temple to properties left by the late Ramakrishnasaraswathy Swami, I am directed to forward herewith, for your information, copy of a letter sent to the Deputy Commissioner, Tumkur District, and to point out that the papers now received do not disclose that all the properties in the possession of the late Swamy are the result of subscriptions raised for the benefit of the Tirupathy temple. A more satisfactory enquiry should be held as to the extent of the properties to which the temple can rightly lay claim to and a report submitted at an early date with all the connected records.

3920 En 1 & 2 files

Rig. 59-17-6

Dt 11-6-1919

The file of papers received with your letter under reply is returned.

I have etc.,

Secretary to Government,

Muzrai Department.

HRR. 28/5/1919

28/5/19

Compd
28/5/19

639
19 20
Mer
59-18
7

1919-20.

From 9139

The Offg. Deputy Commissioner
Tumkur District, Tumkur

To

The Joint Secretary to Government
of Mysore, Bangalore.

Dated 24th September 1919.

Despatched 24. 9. 1919

Received

General No. Mcc 931/19.
No.

Enclosure No.

Soliciting orders of Government in the matter of disposing the properties left by the deceased Sri Ramakrishnasaraswaty swami of Talakere.

17

Office of the Deputy Commissioner,
Tumkur District,
Dated Tumkur, the 24th September 1919.

From

Ananda Rao Sirsi, Esq., B.A., B.L.,
Offg. Deputy Commissioner, Tumkur District

To

The Joint Secretary to Government of
His Highness the Maharaja of Mysore,
Muzarai Department, Bangalore.

Sir,

In continuation of my letter No.Mis.C.931/17-18 dated 23rd July 1919, re depositing the properties (cash and bonds) left by the deceased Sri Ramakrishna Saraswati Swamy at Tumkur, I have the honour to state that Mr. Tahasar Gundap a with whom the properties have been left and in whose favour the deceased Swamy has left a will has not deposited them in the Treasury though he had once expressed his willingness to do so. He has set up the will or siddhasa ana registered and is not likely to deposit the properties in the Treasury, unless forced to do so and there is no provision of law under which he can be compelled to hand over the properties. I think the only course left open is for the Deputy Commissioner of Hassan to file a suit for the recovery of the properties from Mr. Gundappa.

2. This office order dated 8th May, 1918 according to which the properties have to be deposited, goes to show that the properties have to be kept in deposit in the Treasury till the genuineness and the validity of the will is established. This point will have to be settled when the Deputy Commissioner, Hassan, files a suit or Mr. Gundappa himself files a suit to recover the dues on the bonds Mr. Gundappa is reported to be in Bangalore. I think no action can be taken as the matters stand at present.

Under these circumstances I solicit orders of Government in the matter. The file of vernacular records ending with Cubbi

2

Gubbi Sub Division Officer's A.C.R.G.213/18-19 dated 8th September 1919 is forwarded for reference.

I have the honour to be,

S i r,

Your most obedient servant,

Cffg. Deputy Commissioner,
Tumkúr District.

D.N.

1048

Q 20

Mer

59-18

8

1919-20.

From

The Offg. Deputy Commissioner,

Tumkur District, T u m k u r.

To the Joint Secretary to the Govt.

of P.H. the Medical & Sanitary

B a n g a l o r e.

Dated 28th November 1919.

Despatched 25 11

Received

General No. 2

No.

Enclosure No. 1 to

Forwarding the records connected with the properties left by the deceased Sri Ramakrishna Saraswati Swamigal at Halkurke.

Office of the Deputy Commissioner,

Tumkur District,

Dated umkur, the 28th November 1919.

rom

Ananda Rao Hirsi, B.A., ..., LL.B.,

Offg. Deputy Commissioner, Tumkur District.

To

T.S. Jayaram Iyer, Esq., B.A., B.L.,

Joint Secretary to the Government of His Highness

the Maharaja of Mysore, Huzarai Department,

Bangalore.

Sir,

In continuation of my letter No. Mis.C.931/17-18 dated 20th September 1919 re the properties left by the deceased Sri Ramakrishna Saraswati Swamigalu at Halkurke, I have the honour to forward herewith the records ending with the Gubbi Sub Division Officer's No. A.C.R.G.213/18-19 dated 18th November 1919 in which Mr. Sahukar Gundappa of Halkurke has given a statement before the Amildar of Tiptur Taluk refusing to hand over or deposit any of the above mentioned properties.

I have the honour to be,

Sir,

Your most obedient servant,

Offg. Deputy Commissioner,
Tumkur District.

D.N.

283

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185

213

15-11-19

[illegible]

[illegible] 13.11.19 [illegible]

[illegible]

[illegible] 2-3 [illegible]

[illegible]

[illegible] 2221-12 [illegible] 3971-12

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[illegible]

[illegible]

[illegible] 15. 6. 1918 [illegible] 23 [illegible]

17

[illegible]

[illegible] 13.14

Before me
Adv Subba Rao
13.11.19
Amalapuram

శ్రీ రామస్వామి

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

9 [illegible] 1918

[illegible]

[illegible]

9.5.18

1 [illegible]

20.5.18

2 [illegible] 20.5.18

3 [illegible]

4. [illegible] 20.5.18

5. [illegible]

6. [illegible]

[illegible]

15.6.18 [illegible]

[illegible] (1) [illegible]

[illegible] (2) [illegible]

[illegible]

1286

1920

Mer

59-18

9.

19

1769

From

B. VENKOBA RAO, Esq., B.A.,

Deputy Commissioner,
HASSAN DISTRICT.

To

T.E. Jayarama Iyer, Esq., B.A., B.L.,
Secretary to Government,
Muzrai Department,
Bangalore.

Dated 8th January 1920.

Despatched

Received

General No. 199-17
No. C.D

Enclosure No. our file

Reporting on the records connected with the transfer of the intestate amount left by Ramakrishna Saraswathi swami to the funds of Amaragiri Venkataramanaswami temple.

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT
Dated, Hassan, the 8th January *19*20

From

B. VENKOBA RAO, ESQ., B.A.,
Deputy Commissioner,
HASSAN DISTRICT.

To

T. E. Jayarama Iyer, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Muzrai Department, Bangalore.

Sir,

Referring to your letter No.3920 Muz.59-18=6 dated 11th June 1919, returning for further report the records connected with the transfer of the amount left intestate by one Ramakrishna Saraswathi Swami, to the funds of the Sree Amaragiri Venkataramanaswami temple at Malekal Tirupathi in the Arsikere Taluk, I have the honour to state as follows:--

2. The Swamigalu lived at the temple aforesaid. He expressed his desire to improve the temple out of donations. Mr. R. Thirunarayana Iyengar, B.A., the then Amildar of the Arsikere Taluk, took the lead, raised a subscription of Rs.915/- and entrusted the swami with the collections etc. The Swami used to collect money, lend it out, on payment of certain stipulated interest, supported by necessary documents. In 1917, he proceeded to Halkurki, a village in the Tiptur Taluk, for Chaturmasa, when he had Rs.4000/- with him in cash, and paper. Soon after he fell ill, and two months after his arrival in Halkurki village breathed his last, at the house of one Mr. Gundappa a Sahukar at the village. The death of the Swami having come to the notice of the Taluk authorities at Arsikere, a reference was made to this office — whereon the Deputy Commissioner, Tumkur District, was requested to remit the balance of money with Mr. Gundappa, to

this

District on the ground that the money with the Swami had been collected with the bona fide intention of improving the temple at Malekal Thirupathi-. The Deputy Commissioner of Tumkur replied stating that the Swami is no Mathadhipathi as required under Section 25 of the Muzrai Regulations and there is nothing on record, to establish that the money with the Swami was intended to be utilized for the temple and that therefore the money should escheat to Government. But in as much as Mr. R. Thirunarana Iyengar had asked the Swami to realize subscriptions which were intended solely for improving the temple it cannot be deduced that the Swami had no locus standi in the temple as required under Section 25 of the Muzrai Regulations and the claims of the temple at Thirupathi to the money under dispute are quite valid. It is on record that the swami's stay in Halkurki was only for two months during which period he was confined to his bed and slowly ebbing away. Thus there is no room to supose that any money was collected by the Swami at Halkurki. Mr. Gundappa pleads that the swami desired him to perform his obsequies, construct a samadhi and instal an Easwara deity in support of which he has produced an unregistered paperm which cannot be accepted. Thus the claims of the temple at Thirupathi to the money under dispute are undisputed. Under the circumstaces, I request that the money now in deposit, may be kindly caused to be transferred to the credit of the Sree Venkataramanaswami temple, at Malekal Thirupathi.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District.

G. R. S. VI—G/32]

SUBJECT Calls for particulars from the D.C. Hassan re money left by the Sri Rama Krishnananda Saraswati Swami in the hands of Hal Kurki Iyyandappa of Hal Kurki

Diary No. of letter replied to.. 1286

GENERAL AND REVENUE SECRETARIAT
(Mug)
the 191

Section Mug
File No. 59-18
Serial No. 10

No. 2932 Encl 12 files

Date of issue.... 13-3-20

Mr. A Anantharaya Iyer
Signed by.....

To

The Dy. Comr., Hassan Distt

Sir,

With reference to the correspondence ending with your letter no. 199/C.D of 17-8-1-20 re the claim of the Dharmadarsees of the Sri Amaragiri Venkataramanaswami Temple to the money left by the late Sri Ramakrishnananda Saraswati Swami in the hands of Iyyandappa of Halkurki, I am directed to forward a copy of the statement

given in this office by the said Gundappa, wherein he has explained the nature of the obligations imposed upon him in respect of the appropriation of the money handed over to him by the deceased. While holding himself responsible to the Govt. for the construction, out of the funds left with him, of a temple at the place of Samadhi of the deceased Swami at Malkurti, in compliance with the latter's expressed wishes, Gundappa contends that the claim preferred by the Dharmadarsees of Malekal Tirupathy temple to the money left by the deceased is groundless and adds that the money referred to in the subscription list of Nov. 1911 produced by the Dharmadarsees was supplemented by other collections, and used up long ago for certain works executed to the temple.

2. I am, under these circumstances, to request to be favoured with a report on the following points:—

What was the total sum collected by the Swami for the repairs of the

List of enclosures.

Copied by

Examined by

W.D.1744—G1 — 3,000—19-3-19

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

the Malekal temple?

2) Whether any repairs were executed to the said temple out of this sum and if so at what cost?

3) Whether any and what amount remained with the Swami after the execution of such repairs?

4) Even if it be assumed that the Swami had some money left with him at the time of his death is it open to Gundappa to act in contravention of the instructions given to him by the Swami

3. The nature of the evidence on which you base your findings may also be indicated.

4. The matter may be treated as very urgent and an immediate reply may kindly be sent.

I have etc

10/3/20

Secretary

Mus: Deptt.

9.3.20

5. The vernacular records received with your letter under reference are returned for reference and retransmission -

2933/13-3-20

(redraft) 8D 9-3-20

9.3.20

24.2.

ధర్మాదాత్రి సాక్షాత్కారమగుగారి లక్ష్మీకాంతదండకే దేవీ సాక్షాత్కారమందకుండుటకు
చిక్కుగానున్నది. ఈవిధంబుగా సాక్షాత్కారమనే పేరుతో బాధపడుతున్నారు
అందరికి ధర్మాన్ని సాక్షాత్కారమగుగారుండేట్లుచేయుటకు వచ్చారు. ఇట్లు శాశ్వత
సాక్షాత్కారస్థానస్థులందరు వెళ్ళిరి. ఆయుర్వేదాంతి ప్రసాదాలను తీసుకొని
దేవి కొరకు వేచియుండిన ఆదిలక్ష్మి సాక్షాత్కారధర్మరాజుగారిని చూసినది
దాటుకొన్నది. ఇంకొక్కసారి నవ్వినది. సాక్షాత్కారమగుగారుండేట్లుగా కొన్ని. ఇంకా
వచ్చుండుటకు ఇంకొకటి వున్నది. అందరిని అంతట్లో చేయుటకు ఆలోచనతో
గోవిందాయిమ్మని పిలిచినది. అందరికి అందరు వెళ్ళుటకు ఉన్నందుకు
గురువుగారున్నచో బాగుండునని. ఈవిధమైన ప్రకారములలోనగు. ఇంకొక
శాశ్వత సాక్షాత్కారమనే పిలుపునందుకొని. గాన్ధర్వమా అని నవనాథుల
రూపాలలు వచ్చుటకే ఆలస్యం కొంచెమగుటకే. ఈవిధంబు పిలుపుతో
వాహనముతో వేంచేయుటకు. ఈ భక్తులందరిని తిరుపతికి దేవసాక్షాత్కారమే ఒక
ఆలయనిర్మాణమైనందున ధర్మరాజుగారు. చిక్కడుండుట అన్నా, పాపములున్నా
సాక్షాత్కారమగుగారిని కోపమొచ్చుటకు ప్రాయశ్చిత్తం పాపములనుండి
పాపాలకి ఈ బాధ్యత ప్రాయశ్చిత్తంలోనుండి పాపంలోకి లేకుండా వారి
కోసంతోనే. ఇట్లు శ్లోకం పాపవారణాసిలోని సాక్షాత్కారమగుగారు వనవనే
రక్షణ ఉన్నంతకాలం లోకానికి అందరిలో శ్రీ శ్రీనివాసుగారి
అవ్వలుగా కొనసాగుతూ వుంటారని. శ్రీ వేంకటేశ్వరస్వామి చరిత్ర 23.

[illegible]

By order

2265 /
Genl 59-18
29.1.20.

DELIVERY No. 23516
18/9/20
SECTION Mer
FILE No. 59-08
SERIAL No. 11

[illegible]

To
[illegible]
31.23

Postal Telegraph.
Delivered 14.9.20
Received
Queen's No. R.O.C 199-17/C.O
No.

No. of Enclosures. one file

[illegible]

S.T.

Office of the Deputy Commissioner,
Hassan District,
Dated at Hassan, 15th March, 1920.

From

B. Venkobachar, Esq., B.A.,
Deputy Commissioner, Hassan District.

To

T. N. Jayarama Iyer, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Mzrai Department, Bangalore.

Sir,

With reference to your letter No.4639 Dated. 30-12-19 dated the 13th March 1920, calling for additional information regarding the moneys left intestate by Sree Ramakrishna Samarrat i Swami, I have the honour to submit herewith the records of further enquiry conducted by the Amildar to elucidate the points mentioned in your letter under reply.

2. That the Swami raised funds by subscriptions and utilised them for the repairs of the Malekal Thirupathi temple is admitted on all hands. The amount said spent by the Swami on the temple is, according to the statement of the Dharmadarsis, a sum of Rs.1600/- Rs.3100.- on repairs to the temple on the hill and Rs.1700/- on repairs to the temple at the foot of the hill. The subscription list of 1911 collected by the Dharmadarsis represents but a fraction of this amount and does not therefore lead to any correct inference. As a comprehensive account of receipts and expenditure has not been furnished it is not possible to say what the actual collections were and what the surplus balance was. The Dharmadarsis say that there was no other object for raising collections than the renovation of the temple and that the Swami had about Rs.1600/- with him when he left Arsikere just a few months before his death. This sum very nearly corresponds with the balance as per Mr. Sundaram's accounts.

The Swami left behind him ready cash of Rs.22.1-1-0 and jewellery of Rs.1750-0-0, in all Rs.3771-1-0. The

The Dharmakarta claim the whole of this amount as being the surplus of collections on account of the temple. But Mr. Sundaram of Tellicherry contends that all collections made on account of the temple have been used up for the purposes intended and that what he has now got is quite different from and independent of the collections for the temple. It is a case of oral evidence; while Mr. Sundaram leaves it to be presumed that what the Swami had left was his personal property unconnected with any particular temple or other institution, the Dharmakartas and others depose that the Swami intended to build a mantap and create water conveniences to the pilgrims public, that these works were not undertaken and completed then as the balance on hand at the time was inadequate and that the Swami had expressed his intention of collecting larger funds to this end. One D. Venkatarmiah, a Chettiar in the Accountant Taluk Office, has said that the Swami had given him by way of deposit a sum of Rs.110/- to be paid back to the Swami when he shall go to Kadyam to bring chunam for the repairs of the temple and such. This amount seems still due though it does not find a place in the list of assets produced by Mr. Sundaram.

4. In view of the fact that the Swami was evidently more than ordinary interest in the temple affairs and of the evidence so far collected, I am inclined to think that it is more probable that the Swami being a Sanyasin collected the money for charitable purpose rather than for personal ends. I therefore, conclude on the balance of probabilities that the entire collections were made for the temple only and that the balance now remaining primarily belongs to the temple.

5. As regards the question whether it is open to Mr. Sundaram to act in contravention of the instruction given to him by the Swami, I may say that the person to whom the Swami gave instructions assuming that any instructions were given, cannot be in a better position than the Swami himself if he is bound by a trust for the temple.

temple in Amalner Taluk.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Nasik District.

The Deputy Commissioner,

Hassan District, Hassan.

Sir,

1229 Enc two files
Inzrai 59-18-12
dy 30.9.20

With reference to the correspondence ending with your letter, No.R.O.C.199-17 --- C.D. dated 13th May 1920, regarding the -- claim of the Dharmadarsis of the Sri Amaragiri Venkataramana-swami Temple at Malekal Tirupati to the amount left by the late Sri Ramakrishna -- Saraswathy Swami, I am directed to ~~state~~ say that it ~~seems to~~ would be necessary to file a suit against Gundappa for the recovery -- of the money in question, ~~but~~ the chances of success seem to be remote. Beyond the Dharmadarsis' ~~his~~ allegations, there is only a patti produced showing that some subscriptions were collected by the deceased for the temple, ~~but it is not shown~~ that what was collected has not been spent. On the other hand, the will, if genuine, affords prima facie evidence that the deceased had testamentary control over the money left by him and ~~to displace it~~ better proof to the contrary is required. The matter being thus highly controversial, Government are not prepared to take the initiative. But if the Dharmadarsis of the Malekal Tirupati temple still wish to file a suit, Government will have no objection to accord sanction thereto under Section 6 of the Muzrai Regulation.

Recd

2. The vernaculars records forming enclosures to your letters under referer

are returned herewith.

I have etc.,

Secretary to Government,

Muzrai Department.

HRR.